



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 13, 2013

TRANSMITTAL

SUBJECT: ORDINANCE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO ESTABLISH A PUBLIC/QUASI-PUBLIC ZONING DISTRICT, TO MODIFY REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS AND OPEN SPACE & AGRICULTURAL ZONING DISTRICT, TO AMEND PROVISIONS RELATED TO TEMPORARY ANTENNA TRAILERS AND OUTDOOR ANIMAL CARE, AND TO ADD OR AMEND DEFINITIONS

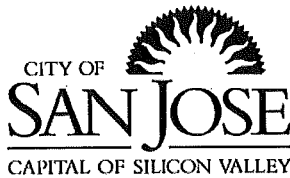
REASON FOR TRANSMITTAL

The Planning Commission will hear this project on November 20, 2013. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Division Manager, Salifu Yakubu, at 408-535-7911.



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: October 31, 2013

SUBJECT: Ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to establish a Public/Quasi-Public Zoning District, to modify regulations for the Commercial Zoning Districts and Open Space & Agricultural Zoning District, to amend provisions related to temporary antenna trailers and outdoor animal care, and to add or amend definitions

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council the approval of the ordinance changes outlined in this memorandum to amend Title 20 of the San José Municipal Code (the Zoning Ordinance) as follows:

1. Amending Chapter 20.10 (Zoning Districts Established) to add the PQP Public/Quasi-Public Zoning District to Table 20-10;
2. Amending Chapter 20.20 (Open Space & Agricultural Zoning Districts) to change the requirement from a Conditional to a Special Use Permit for exceedance of decibel levels in Table 20-45;
3. Amending Chapter 20.40 (Commercial Zoning Districts) to add land uses applicable to Urban Villages to the purposes of the CP Commercial Pedestrian Zoning District, to establish the PQP Public/Quasi-Public Zoning District and enumerate allowed uses, and to add enumerated uses applicable to the Commercial Zoning Districts including:
 - a. Adding Permit Requirements for Conditional Uses requiring City Council approval as the initial decision-making body,
 - b. Adding Aquaculture/Aquaponics as a Special Use,
 - c. Adding "auction" and "stadiums" as Conditional Uses,
 - d. Adding Neighborhood Agriculture and "fuel cells" as Permitted Uses,
 - e. Adding Plant Nursery as a Permitted Use in the CO Commercial Office and PQP Public/Quasi-Public Zoning Districts;
 - f. Allowing animal grooming and animal boarding as Permitted Uses incidental to Neighborhood Agriculture in the CO Commercial Office and in the PQP Public/Quasi-Public Zoning Districts.

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- g. Changing Bail Bond Establishment from a Permitted Use to a Special Use in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
 - h. Adding construction/corporation yard and Utility Facilities including corporation yards as Conditional Uses in the PQP Public/Quasi-Public Zoning District;
 - i. Adding Common Carrier as a Conditional Use and Common Carrier Depot as a Special Use in the PQP Public/Quasi-Public Zoning District;
 - j. Changing Mixed Use residential/commercial from a Conditional Use to a Special Use in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
 - k. Changing Payday Lending Establishment from a Restricted Use to a Prohibited Use in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
 - l. Changing accessory installation, sale or lease of commercial vehicles, and tires, batteries, oil change and smog check servicing from Prohibited Uses to Conditional Uses in the CP Commercial Pedestrian Zoning District;
 - m. Changing sale of vehicle parts from a Conditional Use to a Special Use in the CP Commercial Pedestrian Zoning District;
 - n. Amending Section 20.40.120 to allow outdoor animal care as an incidental use to Neighborhood Agriculture;
- 4. Amending Section 20.40.200 (Development Standards) to establish development standards for the PQP Public/Quasi-Public Zoning District and to modify development standards in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
 - 5. Amending Section 20.40.250 (Front Setback – Exception, Streets with Residence Districts) to exempt Lots in the CP Commercial Pedestrian Zoning District and PQP Public/Quasi-Public Zoning District from the provisions of this Section, amending Section 20.40.400 (Setback Regulations) to clarify that allowances for minor projections into Setback areas of up to twenty (20) percent of Building length apply independently and not cumulatively to Subsections B and D of this Section and to add provisions for Short-term Bicycle Parking Facilities in Setback Areas;
 - 6. Amending Section 20.40.600 (Performance Standards) to change the requirement from a Conditional to a Special Use Permit for exceedance of decibel levels in Table 20-135 and to add performance standards for the PQP Public/Quasi-Public Zoning District;
 - 7. Amending Section 20.40.520 (Outdoor Uses Within 150 Feet of Residentially Zoned Property) to add a provision for exempting Neighborhood Agriculture from the requirements of this Section;
 - 8. Amending Chapter 20.80 Specific Use Regulations, Part 18 Temporary Trailers to allow temporary antennae while permitted alterations of existing Wireless Communication Antennae are being constructed, to change the requirement from a Conditional Use Permit to a Special Use Permit when Administrative Permit requirements cannot be met, and to lengthen the allowable duration of the Temporary Antenna Trailer operation;

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9. Amending Section 20.100.220 of Chapter 20.100 to add provisions for Director of Planning as the Initial Decision Making Body and Council as the Appeal Decision Making Body for Special Use Permits for school, church/religious assembly, and privately-operated museum, library, park, playground and community center uses in the PQP Public/Quasi-Public Zoning District;
10. Amending Chapter 20.120 to amend Section 20.120.110 to add the PQP Public/Quasi-Public Zoning District to Table 20-170 and identify the PQP Zoning District as the conforming zoning district for the Public/Quasi-Public land use designation in the General Plan;
11. Amending Chapter 20.200 Definitions, to add definitions for "Fuel Cell" and "Signature Project" and to amend definitions of "Business Support," "Co-generation Facility," "Downtown Core Area," and "Solar Photovoltaic Power System"; and
12. Make other technical, non-substantive, or formatting changes within those sections of Title 20.

OUTCOME

The primary purpose of the proposed amendments is to implement the Economic Development, Urban Village, Public/Quasi-Public, Urban Agriculture, and Zoning Goals and Policies set forth within the Envision San José 2040 General Plan (General Plan) and to make other technical, nonsubstantive, or formatting changes within those sections of the Zoning Ordinance.

The proposed amendments to the Zoning Ordinance listed above are intended to facilitate development in:

- Areas of the City that have a land use designation of Public/Quasi-Public in the Envision San José 2040 General Plan by creating a conforming zoning district;
- Urban Villages by amending the CP Commercial Pedestrian Zoning District to include more land uses that may be appropriate in areas with an approved Urban Village plan; and
- Conventional Commercial Zoning Districts by adding new enumerated land uses.

The amendments would also facilitate agricultural uses in conventional Commercial Zoning Districts by adding Aquaculture/Aquaponics as a Special Use and allowing Neighborhood Agriculture as a Permitted Use.

Approval of the proposed amendments to the Zoning Ordinance would potentially allow more flexibility of uses through streamlined permitting processes on Sites¹ in conventional Zoning Districts including:

1. With a Conditional Use Permit in the newly created PQP Public/Quasi-Public Zoning District and Commercial Zoning Districts – stadiums and auctions;

¹ Capitalized zoning terms are defined in the Zoning Ordinance.

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2. With a Special Use Permit in the PQP Public/Quasi-Public Zoning District and Commercial Zoning Districts – exceedance of the standards for peak-level noise events (currently allowed with a Conditional Use Permit), and Aquaculture/Aquaponics;
3. As a Permitted Use in the PQP Public/Quasi-Public Zoning District and Commercial Zoning Districts – Neighborhood Agriculture and “fuel cells”;
4. With a Conditional Use Permit in the PQP Public/Quasi-Public Zoning District – construction/corporation yards and Common Carrier; and
5. With an Administrative Permit for commercial, industrial or manufacturing businesses – temporary antennae while permitted alterations of existing Wireless Communication Antennae are being constructed, or with a Special Use Permit when Administrative Permit requirements cannot be met, and to lengthen the allowable duration of the Temporary Antenna Trailer operation.

BACKGROUND

The City Council ordinance work plan provides for quarterly amendments of the Municipal Code to better align the Zoning Ordinance with General Plan Goals, Policies, and Action Items. Between January 2012 and October 2013, the City Council approved Zoning Ordinance amendments to promote economic development, permit streamlining, and increased access to healthful food. These changes added more flexibility for employment uses in Industrial Zoning Districts and reduced or eliminated Planning permit requirements for small-scale agriculture as a Home Occupation, Certified Farmers’ Markets, and mobile vending. The changes proposed currently would supplement these previous amendments.

ANALYSIS AND GENERAL PLAN CONFORMANCE

The proposed ordinance amendments are intended to provide greater clarity and flexibility for public/quasi-public, urban agriculture, and commercial uses in conventional zoning districts, thereby implementing several General Plan Major Strategies with supporting Goals and Policies to promote economic development, Urban Villages, Public/Quasi-Public land uses, and public health by:

- Creating community gathering spaces;
- Providing retail and services near residential areas; and
- Developing a sustainable food system with locations for locally grown produce.

The following analysis considers how the proposed amendments will achieve these key objectives consistent with relevant General Plan Major Strategies, Goals, Policies, and Actions.

- ***Create a new PQP Public/Quasi-Public Zoning District that would support publicly serving land uses.***

The proposed PQP Public/Quasi-Public Zoning District is intended for publicly serving uses on Sites that are designated Public/Quasi-Public on the General Plan Land Use/Transportation Diagram. The land uses within this zoning district can include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers with integrated hotels and restaurants, auditoriums, museums, governmental offices, airports, and other similar publicly oriented institutional land uses with associated commercial uses. This zoning district may also accommodate private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, may also be considered. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular public/quasi-public use developed on a Site. For these reasons, the minimum Front, Rear, and Side Setbacks of ten (10) feet that would be provided in the Zoning Ordinance for this zoning district could be reduced through approval of a Development Permit as appropriate and needed for a specific project. Maximum Building Height in this zoning district would be sixty-five (65) feet unless a different maximum Height is established in Chapter 20.85 of the Zoning Ordinance.

As a conforming zoning district to the Public/Quasi-Public land use designation in the General Plan, the PQP Public/Quasi-Public Zoning District could streamline development of publicly operated and publicly serving land uses on Sites that would otherwise require a Planned Development Zoning District and a Planned Development Permit. The proposed zoning district could also accommodate privately owned and operated activities that are institutional in nature, such as: hospitals, museums, and schools; churches and other religious institutions; other non-profit activities of an educational, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial, or industrial activity; and public utilities and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications. The creation of this conforming zoning district could be the first step in a program for the Planning Director to initiate rezoning of Sites that are designated Public-Quasi/Public in the General Plan that are currently within other zoning districts.

The proposed new PQP Public/Quasi-Public Zoning District conforms to the following General Plan land use designation and Policy:

- Public/Quasi-Public land use designation — Density: FAR N/A. This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports. Joint development projects which include public and private participation — such as a jointly administered public/private research institute or an integrated convention center/hotel/restaurant complex

— are allowed. This category is also used to designate lands used by some private entities, including private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, are also appropriate on lands with this designation.

The proposed PQP Public/Quasi-Public Zoning District would facilitate development of land uses that conform to the Public/Quasi-Public land use designation in the General Plan and would allow reduced setbacks for development where justified through findings made in the approval of a Development Permit. For these reasons the PQP Public/Quasi-Public Zoning District, as proposed, would conform to the General Plan land use designation of Public/Quasi-Public.

- General Land Use Policy LU-1.8. Preserve existing Public/Quasi-Public lands to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use.

Establishing a PQP Public/Quasi-Public Zoning District that conforms to the General Plan Public/Quasi-Public land use designation would help maintain Public/Quasi-Public lands by providing an option to rezone such lands from existing zoning districts that may allow some land uses that do not conform to the Public/Quasi-Public land use designation. Therefore, the proposed changes to the Zoning Ordinance implement General Land Use Policy LU-1.8 in the General Plan.

- ***Add construction/corporation yard (associated with Public, Quasi-Public or Assembly Use or Transportation or Utility Use), Utility Facilities (including corporation yards), and Common Carrier as Conditional Uses; and add Common Carrier Depot as a Special Use in the PQP Public/Quasi-Public Zoning District.***

As the General Plan identifies, the above-mentioned land uses are supported in the Public/Quasi-Public land use designation. Because these land uses are industrial in character and intensity, staff proposes to allow them as Conditional or Special Uses in the PQP Public/Quasi-Public Zoning District as specified above. These land uses would still be prohibited in the CO Commercial Office, CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General Zoning Districts.

- ***Add Aquaculture/Aquaponics, auction, Fuel Cells, Neighborhood Agriculture, Plant Nursery, and stadiums, as enumerated uses in the Commercial Zoning Districts. Allow animal grooming and animal boarding as a Permitted Use incidental to Neighborhood Agriculture in the CO Commercial Office and PQP Public/Quasi-Public Zoning Districts.***

Auction is an enumerated use in the Downtown Commercial and Industrial Zoning Districts. Aquaculture/Aquaponics, Neighborhood Agriculture, Plant Nursery, and stadiums were added as enumerated uses in the Industrial Zoning Districts in October 2013. Staff is proposing to also allow these uses in the Commercial Zoning Districts, and allow outdoor animal care incidental to Neighborhood Agriculture in all the zoning districts where Neighborhood Agriculture is a Permitted Use, to support economic development and

community gathering spaces, and to expand access to healthful food in San José.

Currently, the Zoning Ordinance allows Neighborhood Agriculture as a Permitted Use in conventional Industrial Zoning Districts and in Residential Zoning Districts in compliance with Part 9 of Chapter 20.80. The proposed amendments would add Neighborhood Agriculture as a Permitted Use and Aquaculture/Aquaponics as a Special Use in existing conventional Commercial Zoning Districts and in the proposed PQP Public/Quasi-Public Zoning District. Aquaculture/Aquaponics may potentially require new connections to water and sewer systems depending on the scale and elements of their operations. For these reasons, staff is proposing that such uses be considered on a discretionary basis through Special Use Permit applications so that there can be an analysis of whether the specific aspects of their designs and operations management plans are appropriate on specific Sites.

The proposed provisions for Neighborhood Agriculture and Aquaculture/Aquaponics are consistent with Major Strategy #11 – Design for a Healthful Community, and the following Goal, Policies, and Actions that encourage access to healthful food, particularly fresh produce, and urban agriculture, to increase the supply of locally grown food:

- Urban Agriculture Goal LU-12 – Expand the cultivation and sale of locally grown agriculture as an environmentally sustainable means of food production and as a source of healthy food for San José residents.
- Urban Agriculture Policy LU-12.1 – Maintain and facilitate the development of new and expanded community gardens and farmers' markets throughout San José, and prioritize the provision of these gardens in low income, nutritionally-deficient neighborhoods.
- Urban Agriculture Policy LU-12.2 – Support urban agriculture opportunities such as backyard, roof-top, indoor, and other gardens that produce ecologically sound food for personal consumption and encourage developers to incorporate gardens that produce ecologically sound food for residents and workers.
- Urban Agriculture Policy LU-12.8 – Support the efforts of non-profit organizations and the County to integrate and/or maintain sustainable small scale agriculture within existing and planned parks and open spaces including the planned Martial Cottle County Park, Guadalupe Gardens, and other publicly or privately owned properties where appropriate.
- Urban Agriculture Action LU-12.9 – Develop a City Council Policy to address ways San José will support Urban Agriculture. This policy should include strategies to increase access to healthful foods, particularly in low income or nutritionally-deficient areas; increase the sale and availability of locally or regionally grown foods; increase urban food production; and clearly identify the appropriate City processes for dealing with agriculture issues.
- Urban Agriculture Action LU-12.10 – Work with the County Health Department, school districts and non-profit health organizations, particularly at schools, community centers and libraries, on efforts to educate the community on the nutritional, economic, and environmental benefits of consuming locally grown and ecologically sound foods.
- Urban Agriculture Action LU-12.11 – Revise the Zoning Ordinance to allow community gardens and incidental gardening as permitted uses in appropriate zoning districts.

By creating more opportunities for urban agricultural uses in the City in conventional zoning districts, the proposed amendments directly implement the General Plan Goal, Policies, and Actions for these uses.

Facilitating Private Community Gathering Facilities

To increase sales tax revenue to the City's General Fund, as well as to respond to new entertainment and recreation trends, the proposed amendments would add "stadiums" as an enumerated Conditional Use in the CP, CN, and CG Commercial Zoning Districts and the proposed PQP Public/Quasi-Public Zoning District. These uses are often operated with associated retail operations such as food and souvenir concessions that result in taxable sales. An assessment of a specific Conditional Use Permit application for such a use on a specific Site would consider how well the proposed use conforms to the General Plan Goals and Policies that relate to compatibility with surrounding land uses.

As stated in the General Plan, Private Community Gathering Facilities serve a critical role in establishing a sense of community, building civic identity and fostering the development of arts and culture. The General Plan supports the development of Private Community Gathering Facilities within a wide variety of land use designations in San José including commercial areas, Downtown, and Urban Villages close to the populations they serve. The proposed amendments are consistent with the Goal and Policies in the General Plan for Private Community Gathering Facilities including:

- Private Community Gathering Facilities Goal VN-5 – Encourage providing for the development of Private Community Gathering Facilities at locations within or near residential, commercial, or mixed residential-commercial neighborhoods throughout the City to accommodate the social and cultural activities of the San José community.
- Private Community Gathering Facilities Policy VN-5.1 – Promote Private Community Gathering Facilities within Urban Villages and other areas near residents to serve neighborhoods and to contribute toward the development of vibrant, walkable places.
- Private Community Gathering Facilities Policy VN-5.2 – Encourage the location of Private Community Gathering Facilities on Regional Commercial or Neighborhood Commercial properties. Allow Private Community Gathering Facilities on Combined Industrial/Commercial Sites where it can be demonstrated that potential land use incompatibilities can be fully addressed.
- Private Community Gathering Facilities Policy VN-5.5 – Consider Private Community Gathering Facilities through a discretionary review process to carefully evaluate land use compatibility, multi-use spaces, and conditions of approval.

By creating more opportunities for locating Private Community Gathering Facility uses in the City in conventional zoning districts in a manner that is compatible with surrounding land uses, the proposed amendments directly implement the General Plan Goal and Policies for these uses.

Renewable Energy Use

To help implement the Energy Conservation and Renewable Energy Use Goals and Policies in the General Plan, staff is proposing to create a new land use category of "Fuel Cell," that would be a Permitted Use in the Commercial Zoning Districts.

- ***Change accessory installation, sale or lease of commercial vehicles, and tires, batteries, oil change and smog check servicing to Conditional Uses; sale of vehicle parts, Bail Bond Establishment, and Mixed Use residential/commercial to Special Uses, and Payday Lending Establishment to a Prohibited Use, in the CP Commercial Pedestrian Zoning District where located within an Urban Village.***

The General Plan includes land use policies to shape the transformation of strategically identified and historically underutilized Growth Areas into higher-density, mixed-use, urban districts or "Urban Villages" to accommodate employment and housing growth and reduce the environmental impacts of that growth by promoting transit use and walkability. Based on public input from community meetings and charrettes for Urban Village Plans, staff proposes to amend the list of enumerated uses in the CP Commercial Pedestrian Zoning District to respond to the needs of Urban Villages. These modifications would facilitate some non-intensive vehicle related commercial uses at a neighborhood scale and could make approval of Mixed Use residential/commercial development less time-consuming. The changes would also preclude uses that are not considered appropriate in a higher-intensity Mixed Use neighborhood setting of an Urban Village. The proposed amendments are consistent with Major Strategy #5 – Urban Villages, and Policies in the General Plan for Urban Villages including:

- a. Urban Villages Design Policy CD-7.6 – Encourage a full range of uses in each Urban Village Plan to address daily needs of residents, businesses, and visitors in the area including retail, parks, school, libraries, day care, entertainment, plazas, public gathering space, Private Community Gathering Facilities, and other neighborhood-serving uses as part of the Urban Village planning process.
- ***Modify Development Standards for Sites in the CP Commercial Pedestrian Zoning District that are also within areas with approved Urban Village Plans.***

As an alternative to the existing development standards applicable to the CP Commercial Pedestrian Zoning District, the proposed amendments would include provisions to use the development standards that are included in approved Urban Village Plans. This amendment would allow for better consistency between requirements in the Zoning Ordinance and in Urban Village Plans.

- ***Establish development standards for the PQP Public/Quasi-Public Zoning District.***

The proposed amendments would establish minimum Front, Rear, and Side Setbacks of ten (10) feet, and a maximum Building Height of 65 feet or as established in Chapter 20.85 in the Zoning Ordinance. The minimum Setbacks could be reduced through approval of a Development Permit (i.e., a new Site Development Permit, Conditional Use Permit or Special Use Permit) for a Site. These provisions are intended to accommodate the wide variety of Public/Quasi-Public uses and intensity of development that could be approved in the PQP Public/Quasi-Public Zoning District.

- ***Amend Section 20.100.220 of Chapter 20.100 to add provisions for the Director of Planning to serve as the Initial Decision Making Body and Council as the Appeal Decision Making Body for Special Use Permits for schools, church/religious assembly, and privately-operated museum, library, park, playground and community center uses in the PQP Public/Quasi-Public Zoning District.***

To address potentially large-scale or relatively intense assembly uses in the PQP Public/Quasi-Public Zoning District that may be incompatible with surrounding land uses, the majority of such types of uses are proposed as Conditional Uses, with Planning Commission as the Initial Decision Making Body and Council as the Appeal Decision Making Body. However, there is a subset of such types of assembly uses that the General Plan explicitly encourages to locate on Public/Quasi-Public designated Sites, rather than on Sites that are designated for employment uses. To facilitate such establishments in the PQP Public/Quasi-Public Zoning District, staff proposes to allow schools, church/religious assembly, and privately-operated museum, library, park, playground and community center uses with approval of a Special Use Permit, which generally involves a less costly process in terms of time and money than a Conditional Use Permit. However, given the limited inventory and importance of land available for Public/Quasi-Public Uses, staff proposes that if a decision for such a Special Use is appealed, that the Council would be the Appeal Decision Making Body for such decisions.

- ***Change the requirement from a Conditional to a Special Use Permit for exceedance of decibel levels in Open Space, Agricultural, and Commercial Zoning Districts.***

As a streamlining measure for uses in the conventional Open Space, Agricultural, and existing Commercial Zoning Districts, and in the proposed PQP Public/Quasi-Public Zoning District, the proposed amendments would change the type of permit requirement for exceedance of peak-level single event noise standards from a Conditional Use Permit to a Special Use Permit. This change is consistent with recently approved changes to the Zoning Ordinance for land uses in conventional Industrial Zoning Districts for projects that involve uses that would not otherwise trigger a Conditional Use Permit. The proposed changes would further establish a more consistent approach to noise regulation throughout the Zoning Ordinance and General Plan.

The single-event noise standard in the Zoning Ordinance is a very conservative performance standard, which is not proposed for modification at this time. The noise standard in the Zoning Ordinance that is permitted without a Use Permit identifies a peak allowable noise level for a single event, which can include any noise generated from the Site for a momentary time, such as equipment being tested at peak capacity, or brief shouting.

The Use Permit application process allows consideration of maximum noise levels averaged through a 24-hour period, so that momentary peak noise events don't skew the average maximum noise level. This method of measuring noise conforms to the method used for identifying the General Plan standards for maximum recommended noise levels.

The change in process from a Conditional to a Special Use Permit application changes the initial decision-making body from the Planning Commission with appeal to City Council, to the Planning Director with appeal to the Planning Commission. The process for consideration of approval is still discretionary requiring compliance with CEQA, with the decision for project approval or denial being made through a public hearing. Therefore, this amendment on permitting processes would not result in foreseeable environmental impacts.

- ***Define “Fuel Cell” and “Signature Project,” and amend definitions of “Business Support,” “Co-generation Facility,” “Downtown Core Area,” and “Solar Photovoltaic Power System.”***

To facilitate implementation of energy efficient power, “Fuel Cell” is proposed to be added as an enumerated Permitted Use in the conventional commercial and proposed PQP-Public Quasi-Public zoning districts. The term would be defined as “an advanced energy conversion device that combines hydrogen-bearing fuels with airborne oxygen in an electrochemical reaction to produce electricity very efficiently and with minimal environmental impact.”

Because the Zoning Ordinance currently references the term “Signature Project” in notes related to uses in Urban Villages, staff proposes to define this term as “a residential mixed-use project that meets or exceeds the requirements identified in the Envision San José 2040 General Plan Urban Village Planning Policy IP-5.10.” Additionally, staff is proposing to amend the definitions of “Business Support,” “Co-generation Facility,” “Downtown Core Area,” and “Solar Photovoltaic Power System,” to clarify their meanings, to improve internal consistency of the Zoning Ordinance, and to better align cross-references of Zoning Ordinance definitions with the General Plan.

- ***For all the proposed changes described above.***

The General Plan’s policies for economic development and the City’s fiscal health acknowledge the value of streamlining land use entitlement processes for business-related activities while also maintaining adequate land use controls to protect key employment activities that could be directly impacted by conversion of employment lands or indirectly impacted by the intrusion of incompatible land uses within employment districts.

The proposed amendments would potentially allow newly enumerated commercial, public/quasi-public, or urban agriculture uses on Sites in conventional Commercial or PQP Public/Quasi-Public zoning districts that have land use designations in the General Plan that mainly support commercial or Public/Quasi-Public uses. The conventional Commercial Zoning Districts and newly proposed PQP Public/Quasi-Public Zoning District are intended to directly implement the respective land use designations in the General Plan.

Currently, individual Sites in Commercial Zoning Districts must be re-zoned to Planned Development Zoning Districts to allow for some of the newly enumerated uses that are proposed in this Ordinance. Adoption of the proposed amendments would potentially allow these employment-related uses in existing conventional Commercial Zoning Districts and the proposed PQP Public/Quasi-Public Zoning District as Permitted, Conditional, or Special Uses, thereby reducing the need for applying for Planned Development Zoning Districts that often involve time-consuming and costly land use entitlement processes for businesses, which can create barriers to entry. For these reasons, the proposed changes further the following Goals, Policies, and Actions by facilitating the development of land uses that conform to the General Plan in conventional zoning districts:

- City Operations Policy FS-1.5 – Provide speed, consistency, and predictability for land use entitlement processes while using these processes to add value and improve the quality of development.
- General Land Use Goal LU-1 – Establish a land use pattern that fosters a more fiscally and environmentally sustainable, safe, and livable city.
- Land Use/Transportation Diagram Policy IP-1.5 – Maintain a Zoning Ordinance and Subdivision Ordinance that align with and support the Land Use/Transportation Diagram and *Envision General Plan* goals and policies. Develop new zoning districts that enumerate uses and establish development standards, including heights, to achieve vital mixed-use complete communities and facilitate their implementation.
- Land Use/Transportation Diagram Policy IP-1.7 – Use standard zoning districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which can not be implemented through standard zoning districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.
- Zoning Policy IP-8.2 – Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.
- Land Use and Employment Goal IE-1 – Proactively manage land uses to provide and enhance economic development and job growth in San José.
- Land Use and Employment Policy IE-1.3 – As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, child care, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.
- Business Growth and Retention Goal IE-2 – Promote San José as an employment center. Nurture existing and attract new companies of all sizes (large anchor companies, emerging growth companies, small businesses) in industries that will drive the job and revenue growth for our City and regional economy.
- Business Growth and Retention Policy IE-2.1 – Maintain City government practices attuned to business needs for clear and timely use of incentives, regulations and development entitlement processes.
- Business Growth and Retention Policy IE-2.6 – Promote retail development to the maximum extent feasible, consistent with other General Plan goals and policies, in order to generate City revenue, create jobs, improve customer convenience, and enhance neighborhood livability.

- Business Growth and Retention Policy IE-2.7 – Encourage business and property development that will provide jobs and generate revenue to support city services and infrastructure.
 - Commercial Policy LU-4.4 – Allow limited industrial uses in commercially designated areas if such uses are of a scale, design, or intensity that creates less than significant negative impacts to surrounding uses.
 - Business Growth and Retention Action IE-2.8 – Evaluate and periodically update the City's policies, regulations, and ordinances to maintain San José's competitive ability to attract and grow businesses, including small businesses and home occupations.
 - General Land Use Action LU-1.9 – Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use Goals, Policies and implementation Actions in this Plan.
- ***Making Minor Changes within the Applicable Sections of the Zoning Ordinance***

The proposed ordinance includes minor changes to delete redundant or conflicting provisions in the Zoning Ordinance including, but not limited to: amending Section 20.40.250 to exempt Lots in the CP Commercial Pedestrian and PQP Public/Quasi-Public zoning districts from the provisions of this Section in order to facilitate more pedestrian friendly and compact development in these zoning districts; amending Section 20.40.400 to clarify that allowances for minor projections into Setback areas of up to twenty (20) percent of Building length apply independently and not cumulatively to Subsections B and D of this Section; and adding provisions to provide more flexibility for installing Short-term Bicycle Parking Facilities in Setback Areas of conventional commercial and PQP Public/Quasi-Public zoning districts.

Conclusion

The proposed amendments support the City's economic development and urban agriculture goals by providing increased clarity and flexibility for the development of compatible commercial and urban agriculture uses within the City's conventional Commercial and proposed PQP Public/Quasi-Public Zoning Districts, while also being consistent with goals and policies for employment lands as set forth in the General Plan.

PUBLIC OUTREACH/INTEREST

Planning staff held a community meeting on July 17, 2013, with approximately 30 members of the public including residents, industry representatives, and developers in attendance, followed by the PBCE Developers' Roundtable on August 2, 2013, which provided forums for public input on the proposed amendments.

Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public.

Residents

Residents were concerned about opportunities for public input for stadium proposals. They were supportive of Conditional Use Permit requirements, particularly for stadiums with more than 2,000 seats to have their Conditional Use Permit applications first considered by Planning Commission as an advisory body, and then by Council as the Initial Decision-Making Body.

Several residents expressed support for Neighborhood Agriculture in conventional Commercial Zoning Districts (see attached public correspondence). However, there were some residents who stated that they did not want beekeeping or chickens near residences, mainly because of noise, odors, and safety concerns. Staff responded that the animal uses would be subject to Title 7 (Animal Care and Control) of the San José Municipal Code, which includes minimum setbacks and enclosure requirements.

Developers

Developers were generally supportive of the proposed amendments. Some representatives of public charter schools want a process to allow such schools in conventional commercial zoning districts and the PQP Public/Quasi-Public Zoning District as a Permitted Use with development standards determined by the Division of the State Architect. Schools are currently Conditional Uses in the conventional Commercial Zoning Districts. To balance streamlining with the need for discretionary approval of development standards for such schools, staff proposes to allow such uses through approval of a Special Use Permit in the proposed PQP Public/Quasi-Public Zoning District. Just as in conventional Commercial Zoning districts for Conditional Use Permits for such uses, school proposals would be considered by the City Council if the Planning Director's decision on a Special Use Permit is appealed.

Non-Government Organizations

Representatives from neighborhood organizations, environmental groups, and non-profit educational groups attended the July 17th community meeting. Zachary Lewis, representing CommUniverCity/Garden To Table, expressed support and provided input for changes to all zoning districts to facilitate urban agriculture uses citywide and encouraged the City to allow such uses as Permitted on sites that are up to five acres in size, rather than the one-acre maximum size currently proposed by staff. Staff responded that: the A-Agricultural Zoning District allows agricultural uses on larger Sites; a Plant Nursery is a Permitted Use on a Site of any size in conventional Commercial Zoning Districts; indoor animal boarding is a Permitted Use on a Site of any size in conventional Commercial Zoning Districts; and the proposed Aquaculture/Aquaponics Special Use would not have a limit on Site size. Representatives from SPUR expressed support for Neighborhood Agriculture citywide on Sites up to five acres in size in conventional Commercial Zoning Districts.

COORDINATION

The preparation of the proposed ordinance and this staff report were coordinated with the City Attorney's Office. Additionally, the Santa Clara County Airport Land Use Commission has been referred the proposed ordinance for consideration.

PLANNING COMMISSION


November 8, 2013

Subject: Title 20 Amendments for Agricultural, Commercial, and Public/Quasi-Public Land Uses

Page 15

CEQA

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program. Accordingly, the Final Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan entitled, "Envision San José 2040 General Plan," for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final PEIR. Therefore, the City of San José may take action on the project as being within the scope of the Final PEIR, File No. PP13-101.


for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions, please contact Jenny Nusbaum, Senior Planner at 408-535-7872.

Attachments: Draft Ordinance
Public Correspondence

Chapter 20.10 GENERAL PROVISIONS AND ZONING DISTRICTS

20.10.060 Zoning Districts Established.

- A. In order to regulate and restrict the location of residences, professions, businesses, trades, and industries, to regulate and restrict the location, Height, and size of Buildings and Structures hereafter erected, enlarged or altered, and to regulate and determine the area, depth, and width of Yards, Setback areas, and other open spaces, the following classes of City zoning districts are hereby established, as set forth in Table 20-10:

Table 20-10 City Zoning Districts		
Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
OS Open Space <u>District</u>	OS	OS
A Agricultural <u>District</u>	A	A
Rural Residential Residence District (1DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5DU/Acre)	R-1-5	R-1-B-8, R-1-B-1
R-1-8 Residence District (8DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (Mobilehome Parks, Travel Trailer parks)	R-MH	T-M
CO Office-Commercial <u>Office</u> District	CO	C-L, C
POP Public/Quasi-Public <u>District</u>	POP	<u>None</u>
CP Pedestrian Commercial <u>Pedestrian</u> District	CP	C-1

CN Neighborhood Commercial <u>Neighborhood District</u>	CN	C-2
CG General-Commercial <u>General District</u>	CG	C-3
TEC Transit Employment Center <u>District</u>		
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
CIC Combined Industrial/Commercial <u>District</u>	CIC	None
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive district listed last.

- B. In addition, the following special zoning districts are established as set forth in Table 20-20. The application of these districts is limited to specific geographic areas of the City as set forth in Section 20.70.010 and Section 20.75.020.

Table 20-20 Special Zoning Districts	
Zoning District	Zoning Map Symbol
DC Downtown Primary Commercial <u>District</u>	DC
DC-NT1 Downtown Commercial Neighborhood Transition 1 <u>District</u>	DC-NT1
MS-G Main Street Ground-Floor Commercial District	MS-G
MS-C Main Street Commercial District	MS-C

CHAPTER 20.20 OPEN SPACE & AGRICULTURAL ZONING DISTRICTS

Part 4 Performance Standards

20.20.300 Performance Standards

- A. In the OS Open Space and A Agricultural Districts, no primary, secondary, incidental or Conditional Use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
 2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
 3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Open Space and Agricultural Zoning Districts:
1. Air Pollution
Total emissions from any use or combination of uses on a Site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.
 2. Noise
The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-45 at any property line, except upon issuance and in compliance with a Conditional Special Use Permit as provided in Chapter 20.100.

**Table 20-45
Additional Noise Standards**

	Maximum Noise Level in Decibels at Property Line
Open Space or Agricultural use adjacent to a property used or zoned for residential purposes	55
Open Space or Agricultural use adjacent to a property used or zoned for commercial purposes	60

Open Space or Agricultural use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70
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3. Vibration

There shall be no activity on any Site that causes ground vibration that is perceptible without instruments at the property line of the Site.

DRAFT

Chapter 20.40

COMMERCIAL ZONING DISTRICTS AND PUBLIC/QUASI-PUBLIC ZONING DISTRICT

Part 1 GENERAL

20.40.010 Commercial Zoning Districts.

- A. This Chapter sets forth the land use and development regulations applicable to the Commercial Zoning Districts and Public/Quasi-Public District established by Section 20.10.060.
- B. No Building, Structure, or land shall be used, and no Building or Structure shall be erected, enlarged, or structurally altered, in the CO, CP, CN and CG Commercial Districts and PQP Public/Quasi-Public District except as set forth in this Chapter.
- C. The Commercial Zoning Districts are intended to support the commercial land use, economic development, and neighborhood preservation and conservation goals and policies of the General Plan through the use regulations and development standards. The four Commercial Districts reflect the diversity of the commercial needs and opportunities in the City. The purposes of the Commercial Districts are as follows:
1. CO Commercial Office District. The CO Commercial Office District is a district in or near residential areas or between residential and commercial areas. This district is intended to be a low-intensity office zone that allows for a scale of offices in or adjacent to residential neighborhoods. Larger scale office development can be permitted upon approval of the Planning Commission, or City Council on appeal, through the Conditional Use Permit process.
 2. CP Commercial Pedestrian District. The CP Commercial Pedestrian District is a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to Neighborhood Business Districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate, and is designed to support the commercial goals and policies of the General Plan in relation to Urban Villages. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with General Plan urban design policies.

This district may be located, in addition to areas of the City that have a commercial land use designation in the General Plan, in areas that have an Urban Village land use designation. In these locations, the uses and development in this district are intended to be in conformance with applicable approved Urban Village Plans. The

type of development supported by this district includes Neighborhood Business Districts, neighborhood centers, multi-tenant commercial development along city connector and main streets as designated in the General Plan, and small corner commercial establishments. New development should orient Buildings' towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

3. CN Commercial Neighborhood District. The CN Commercial Neighborhood District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.
4. CG Commercial General District. The CG Commercial General District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

D.

The PQP Public/Quasi-Public District is intended to provide for publicly serving uses on Lots that are designated Public/Quasi-Public on the General Plan Land Use/Transportation Diagram. The publicly serving land uses within this district can include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers with integrated hotels and restaurants, auditoriums, museums, governmental offices, airports, stadiums, and other similar publicly-oriented institutional land uses with associated incidental commercial uses supporting such publicly-oriented institutional land uses. This district may also accommodate private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, may also be considered. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on a Site

Part 2 USES ALLOWED

20.40.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance

of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- H. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-90 Commercial Districts and Public/Quasi-Public Zoning District Land Use Regulations						
Use	Zoning District					Notes & Section
	CO	CP	CN	CG	<u>PQP</u>	
General Retail						
Retail sales, goods and merchandise	-	P	P	P	-	
Alcohol, off-site sales - beer and/or wine only	-	C	C	C	<u>C</u>	Section 20.80.900
Alcohol, off-site sales, full range	-	C	C	C	<u>C</u>	Section

of Alcoholic Beverages						20.80.900
Aquaculture/Aquaponics	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Auction	-	-	-	<u>C</u>	<u>C</u>	
Bakery, retail	-	P	P	P	-	
Certified Farmers' Market	S	S	S	S	<u>S</u>	Part 3.5, Chapter 20.80
Certified Farmers' Market - Small	P	P	P	P	<u>P</u>	Part 3.5, Chapter 20.80
Food, beverage, groceries	-	P	<u>P</u>	P	<u>S</u>	
Neighborhood Agriculture	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Title 7; Note 19
Nursery, Plant	- <u>P</u>	P	<u>P</u>	P	<u>P</u>	Note 4
Outdoor Vending	-	A	A	A	<u>A</u>	Part 10, Chapter 20.80
Outdoor Vending – Fresh Fruits and Vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	-	See Title 6
Seasonal sales						Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	-	Section 20.80.1175
Education and Training						
Child Day Care Center located on an existing School Site or as an Incident to an on-site church/religious assembly use involving no Building additions or changes to the Site	P	P	P	P	<u>S</u>	
Day care center	C	C	C	C	<u>C</u>	
Instructional Art Studios	-	P	P	P	<u>S</u>	

Instructional Art Studios, with live models	-	C	C	C	<u>C</u>	
Private Instruction, personal enrichment	-	P	P	P	<u>S</u>	
School - elementary and secondary (public or private)	C	C	C	C	<u>S</u>	Note 16; Note 20
School, driving (class C & M license)	-	P	P	P	<u>S</u>	Note 2; Note 20
School, Post Secondary	-	P	P	P	<u>S</u>	Note 3; Note 20
School, Trade and Vocational	-	C	C	C	<u>S</u>	Note 16; Note 20
Entertainment and Recreation Related						
Arcade, Amusement <u>Game</u>	-	C	<u>C</u>	C	-	
Dancehall	-	C	<u>C</u>	C	<u>C</u>	
Poolroom/billiards establishment	-	C	C	C	-	
Private club or lodge	C	C	C	C	-	
Recreation, Commercial (Indoor)	-	P	P	P	<u>S</u>	
Recreation, Commercial (Outdoor)	-	C	C	C	<u>C</u>	
Relocated Cardroom	-	-	-	C	-	Section 20.80.1155
<u>Stadium, 2,000 seats or fewer</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Note 17
<u>Stadium, more than 2,000 seats</u>	-	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	Note 17; Note 18
Theatre, indoor	-	C	C	C	<u>C</u>	
Theatre, outdoor	-	-	-	C	<u>C</u>	
Food Services						
Banquet Facility	-	C	C	C	<u>C</u>	

Bail Bond Establishment - outside main jail area	-	P outside of Urban Village; S in Urban Village	P	P	=	Part 1.5, Chapter 20.80
Bail Bond Establishment - within main jail area	-	P outside of Urban Village; S in Urban Village	P	P	=	Note 14; Part 1.5, Chapter 20.80
Bed and Breakfast Inn	-	P	P	P	=	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	=	
Hotel/ or Motel	-	P	P	P	=	
Single Room Occupancy (SRO) Hotel	=	C	C	C	=	Part 15, Chapter 20.80
Laundromat	-	P	P	P	=	
Maintenance and repair, small household appliances	-	P	P	P	=	
Messenger services	P	P	P	P	=	Note 2
Mortuary and Funeral Services	P	P	P	P	=	
Personal Services	-	P	P	P	=	Section 20.200.880
Photo processing and developing	-	P	P	P	=	
Printing and publishing	-	P	P	P	=	
Offices and Financial Services						
Automatic teller machine	P	P	P	P	S	Section 20.80.200
Business Support	-	P	P	P	=	
Financial institution	P	P	P	P	=	
Office, General Business	P	P	P	P	S	Section 20.40.110

Payday Lending Establishment	-	R outside of Urban Village; Prohibited in Urban Village	R	R	-	Part 12.5, Chapter 20.80; Section 20.200.875
Public, Quasi-Public and Assembly Uses						
Cemetery	C	C	C	C	C	
Church/religious assembly	C	C	C	C	S	Note 16; Note 20
Construction/Corporation Yard associated with Public, Quasi-Public or Assembly Use or Transportation or Utility Use	-	-	-	-	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	S	Note 20
Residential						
Emergency Residential Shelter	C	C	C	C	C	Section 20.80.500
Live/Work Uses	-	S	S	S	-	Note 6; Section 20.80.740
Mixed Use residential/commercial	-	C outside of Urban Village; S in Urban Village	C	C	-	Note 6
Residential Care Facility for seven (7) or more persons	C	C	C	C	C	
Residential Service Facility for seven (7) or more persons	C	C	C	C	C	
Single room occupancy hotel	-	C	C	C	-	Part 15, Chapter 20.80

Single Room Occupancy Living Unit	-	C	C	C	-	Note 6; Part 15, Chapter 20.80
Drive-Through Uses						
Drive-through Uses in conjunction with any use	-	-	C	C	C	
Recycling Uses						
Reverse Vending Machine	A	A	A	A	A	Part 13, Chapter 20.80
Small Collection Facility	A	A	A	A	A	Part 13, Chapter 20.80
Transportation and Utilities						
Data center	-	-	-	C	-	
Common Carrier	-	-	-	-	C	
Common Carrier Depot	-	-	-	-	S	
Community television antenna systems	C	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	S	Section 20.90.200
Parking Establishment, Off-street	C	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C		
Television, radio studios without antenna/dishes	-	-	-	C		
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7
Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	

Utility Facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	<u>C</u>	
Wireless Communication Antenna	C	C	C	C	<u>C</u>	Section 20.100.1300
Wireless Communication Antenna, Slimline Monopole	S	S	S	S	<u>S</u>	Section 20.80.1900
Wireless Communication Antenna, Building Mounted	P	P	P	P	<u>P</u>	Section 20.80.1910
Electrical Power Generation						
Fuel Cells	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Private Electrical Power Generation Facility	C	C	C	C	<u>C</u>	Note 2
Co-generation Facility	S	S	S	S	<u>S</u>	
Stand-by/backup						
Facilities that do not exceed noise or air standards	A	A	A	P	<u>A</u>	
Facilities that do exceed noise or air standards	C	C	C	C	<u>C</u>	
Temporary Stand-by/Backup	P	P	P	P	<u>P</u>	
Solar Photovoltaic System	P	P	P	P	<u>P</u>	Section 20.100.610 C.7.
Vehicle Related Uses						
Accessory installation, passenger vehicles and pick-up trucks	-	<u>C</u>	C	P	-	
Auto dealer, wholesale, no on-site storage	P	P	P	P	-	
Car wash, detailing	-	-	C	C	-	
Gasoline Service or Charge Station	-	C	C	P	<u>C</u>	Note 8, Note 15
Gasoline Service or Charge Station with incidental service	-	C	C	P	<u>C</u>	Note 9,

and repair						Note 13
Glass sales, installation and tinting	-	-	C	P	-	Note 13
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	-	Note 2
Sale, brokerage, or lease, commercial vehicles	-	<u>-C</u>	C	C	-	Note 13
Sale or brokerage, Passenger Vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	C	S	P	-	Note 12, Note 13
Sale, vehicle parts	-	<u>C-S</u>	P	P	-	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	<u>-C</u>	C	P	-	Note 10, Note 13
Historic Reuse						
Historic Landmark Structure reuse	S	S	S	S	<u>S</u>	Part 8.5 Chapter 20.80

Notes applicable to all Commercial Districts:

1. In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. No on site storage of vehicles permitted in the CP and CN Zoning Districts.
3. Includes public and private colleges and universities, as well as extension programs and business schools.
4. Not a catering facility.
5. No on site storage of vehicles permitted.
6. Mixed-use residential/commercial only under an approved Urban Village plan with an implementation financing strategy approved by the City Council or in a Signature Project consistent with the General Plan. Live/work in an area with an Urban Village designation or Urban Village Overlay in the General Plan shall be consistent with applicable approved Urban Village plans.
7. Use must be less than twenty-four (24) hours.

8. No incidental repair or service permitted.
9. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
11. No outdoor sales areas or dismantling allowed.
12. In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
13. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
14. Bail bond establishments shall not be located and are prohibited uses on the ground floors of Structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-90 on other, above-ground floors of Structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this Title.
15. Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all Commercial Zoning Districts.
16. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
17. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
18. Use Permit applications for Stadiums that consist of more than 2,000 seats and that are in Airport Influence Areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
19. Neighborhood Agriculture in conformance with this Title is a Permitted Use that may operate on a Site without a Permanent Building on that Site.
20. The City Council is the decision-making body for Special Use Permit Appeals for this use pursuant to Section 20.100.220 of this Title.

20.40.120 Animal Uses.

Except as an incidental use to Neighborhood Agriculture, All uses involving any type of care for animals, including but not limited to grooming, boarding, medical care must be conducted wholly inside a building.

Part 3 DEVELOPMENT REGULATIONS

20.40.200 Development Standards.

All development in the Commercial Zoning Districts and the Public/Quasi-Public Zoning District shall conform to the development regulations set forth below in Table 20-100.

Table 20-100 Commercial Zoning Districts and Public/Quasi-Public Zoning District Development Standards					
Regulations	Zoning District				
	CO	CP	CN	CG	PQP
Minimum Lot Area (square feet or acreage)	6,000	6,000; or established in approved Urban Village Plan	6,000	1 acre (none if Lot is located in a shopping center with shared access and shared parking among the Lots)	6,000
Minimum Setback (feet)					
Front	10, or 15 where adjacent to side property line of R-1 District	no minimum, 10 feet maximum; or established in approved Urban Village Plan	10	15	10; Less than 10 if established in approved Development Permit
Side, Interior	5	None; or established in approved Urban Village Plan	none	none	10; Less than 10 if established in approved Development Permit

Side, Corner	12.5	None; or established in approved Urban Village Plan	12.5	12.5	10; Less than 10 if established in approved Development Permit
Rear, Interior	25	25; or established in approved Urban Village Plan	none	none	10; Less than 10 if established in approved Development Permit
Rear, Corner	25	25; or established in approved Urban Village Plan	none	none	10; Less than 10 if established in approved Development Permit
Maximum Height (feet) (see Note 1)	35, unless a different maximum is established in Chapter 20.85	50 unless a different maximum is established in Chapter 20.85; or established in approved Urban Village Plan	50 unless a different maximum is established in Chapter 20.85	65 unless a different maximum is established in Chapter 20.85	65 unless a different maximum is established in Chapter 20.85
Maximum Individual Occupant Square Footage (square feet) (see Note 2)		2,500/ Personal service shop 5,000/ Eating, drinking or entertainment establishment 15,000/ All other uses (see Note 2); None in approved Urban Village Plan			
Parking	See Chapter 20.90	See Chapter 20.90; or established in approved Urban Village Plan	See Chapter 20.90	See Chapter 20.90	See Chapter 20.90 unless a different minimum is established in an approved Development Permit

Notes applicable to Commercial Development Standards:

1. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative Maximum Height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.
2. In the CP Commercial Pedestrian District, Lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the General Plan Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

20.40.250 Front Setback - Exception, Streets with Residence Districts.

Notwithstanding, the provisions of Section 20.40.200 where Lots situate on one side of a street between two intersecting streets are situate partly in a commercial district and partly in a residence district, the Front Setback requirements applicable to such residence district shall apply to all Lots in the Commercial District, except that where a Lot or Lots situate within a Commercial District are located on one side of a street between an intersecting street and a Lot located in a Residence District, the Front Setback requirements of the Residence District shall apply only to that portion of the Lot or Lots situate in the Commercial District that is located within twenty (20) feet of the Lot situate within a Residence District. The provisions of this Section shall not apply to Lots in the CP Commercial Pedestrian District and Lots in the PQP Public/Quasi-Public District.

Part 4 SETBACK REGULATIONS

20.40.400 Setback Areas - Open, Unobstructed, and Unoccupied.

Except as otherwise expressly and specifically provided in other sections of this Title, every part of every Setback Area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all Buildings or Structures except as follows:

- A. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any Setback Area;
- B. Any portion of a Building (including but not limited to bay windows, chimneys, or bump outs) architectural elements that project out from the primary surface of the Building Facade, whether on a foundation or cantilevered) not occupying in the aggregate more than twenty (20) percent of the length of the side of the Building, may project horizontally for a distance of not more than two (2) feet into any Setback area, provided that such extensions maintain a minimum Setback of at least three (3) feet;
- C. ~~Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any Setback area;~~
In addition to projection into the Setback Area allowed under Subsection B,
~~wells~~ for Basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty (20) percent of the length of the side of the Building on which they are located, may project horizontally for a distance of not more than two (2) feet into the Side and Rear Setback Area, provided that such extensions maintain a minimum Setback of three (3) feet;
- D. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any Setback area;

- E. Overhead wires necessary for electrical and telephone service to a Building on the Lot;
- F. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the Lot or of a Building on the Lot; and
- G. Walks and driveways for vehicular or pedestrian access to the Lot; and
- H. Short-term Bicycle Parking Facilities that meet the following requirements:
 - 1. Compliance with the provisions of Chapter 20.90 and all applicable local, State, and Federal standards including but not limited to Building and Fire regulations; and
 - 2. Adequate screening with landscaping or architectural elements from public view; and
 - 3. Maintenance of a minimum of a five (5)-foot Front Setback Area that is open, unobstructed, and unoccupied; and
 - 4. Design that ensures adequate circulation of vehicles, bicycles, and people.

Part 5 GENERAL REGULATIONS

20.40.520 Outdoor Uses within 150 feet of Residentially Zoned Property.

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the Lot on which such Buildings are located is situated within one hundred fifty (150) feet of residentially zoned property situate within or outside the City except with a Special Use Permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 14, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians both of which are associated with financial institutions.
- C. Cigarettes, ice, candy, food, and soft drinks dispensed from self-service, coin-operated automatic vending machines.
- D. Plant Nursery sales.
- E. Outdoor dining incidental to a Public Eating Establishment or a retail establishment that conforms to all of the following criteria:
 - 1. The outdoor dining area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred (100) feet that includes a public Street with a minimum public right-of-way dimension of eighty (80) feet; and

2. The outdoor dining area does not include any equipment to produce any amplified soundnoise that does not comply with Section 20.40.600 of this Chapter; and
 3. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.
- F. Outdoor Vending of whole, uncut, fresh fruits and vegetables in conformance with the provisions of Part 10, Chapter 20.80.
- G. Small Certified Farmers' Markets in conformance with the provisions of Part 3.5, Chapter 20.80.
- H. Neighborhood Agriculture in compliance with the provisions of this Title.

Part 6 PERFORMANCE STANDARDS

20.40.600 Performance Standards.

- A. In the CO, CP, CN, and CG Commercial Districts and in the POP Public/Quasi-Public District no primary, secondary, incidental or Conditional Use or activity related thereto shall be conducted or permitted:
4. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
 5. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
 6. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the Commercial Zoning Districts:
1. Air Pollution. Total emissions from any use or combination of uses on a Site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.
 2. Noise. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-105 at any property line, except upon issuance and in compliance with a Conditional Special Use Permit as provided in Chapter 20.100.

Table 20-105 Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Commercial use adjacent to a property used or zoned for residential purposes	55
Commercial use adjacent to a property used or zoned for commercial or other non-residential purposes	60

3. Vibration. There shall be no activity on any Site that causes ground vibration that is perceptible without instruments at the property line of the Site.

Chapter 20.80 SPECIFIC USE REGULATIONS

Part 18 TEMPORARY TRAILERS

20.80.1700 Use of Temporary Trailer.

This Part is to allow Temporary Trailers to be used only for the following purposes:

1. The continuation of a commercial, industrial or manufacturing business while a primary structure is undergoing alteration or restoration; and
2. The temporary erection of antennae mounted on trailers for short term operation while permitted alterations of existing Wireless Communication Antennae are being constructed or for short term testing of coverage for wireless communication systems.

20.80.1750 Temporary Antenna Trailer - Permit required.

- A. A Temporary Antenna Trailer for the testing of a wireless communication network requires the following permit:
1. An Administrative Permit, as provided in Chapter 20.100 of this Title, and in conformance with the requirements of this Section and Section 20.80.1760; or
 2. In the event the owner cannot meet the requirements of this Part or the Director denies an Administrative Permit, a Conditional Special Use Permit, as provided in Chapter 20.100.
- B. All applications for permit for a Temporary Antenna Trailer shall set forth facts demonstrating to the satisfaction of the Director that the Temporary Antenna Trailer will shall be used to determine if the Site is necessary for a wireless communications network.
- C. All applications shall demonstrate that the proposed Temporary Antenna Trailer shall be maintained in conformance with the provisions of Section 20.80.1760.

20.80.1760 Temporary Antenna Trailer - Conditions of Issuance.

The use of a Temporary Antenna Trailer shall be in accordance with all of the following conditions:

1. The Temporary Antenna Trailer ~~will~~ shall not exceed forty-five (45) feet in Height, or the maximum Height of the zoning district, whichever is less; and
2. The Temporary Antenna Trailer ~~will~~ shall operate for no more than ~~six (6) months~~ one (1) year at the Site if for testing purposes; and

3. If not for testing purposes the Temporary Antenna Trailer shall operate for no longer than the duration of constructing permitted alterations of existing Wireless Communication Antennae; and
4. No Temporary Antenna Trailer, for testing purposes has shall have operated within two thousand (2,000) feet of the proposed Site in the previous two (2) years; and
5. The issuance of the Administrative Permit is intended only for the temporary operation while permitted alterations of existing Wireless Communication Antennae are being constructed or for the temporary testing of operation or design of the wireless communications network and the approval of such a Temporary Antenna Trailer shall not serve as a justification or basis for future approvals of Wireless Communication Antennae on the Site.
6. No more than one Temporary Antenna Trailer per Site may be permitted at any given time; and
7. The Temporary Antenna Trailer shall be located a minimum of fifty (50) feet from the property line; and
8. No Temporary Antenna Trailer shall block any circulation aisles; and
9. The Temporary Antenna Trailer shall comply with all applicable Building and fire safety standards; and
10. All necessary permits shall be obtained prior to installation of the Temporary Antenna Trailer; and
11. Revocation of any permit issued hereunder shall be in accordance with the provisions of this Title which are applicable to the type of permit issued.

Chapter 20.100 ADMINISTRATION AND PERMITS

Part 2 COMMON PROCEDURES

20.100.220 Appeal - Hearing body.

Decisions on permits or approvals pursuant to this Chapter are subject to appeal as set forth in Table 20-260 which lists the initial decision maker and the decision making body ~~which that~~ will hear any appeal.

Table 20-260 Appeal Hearing Body		
Application	Initial Decision Making Body	Appeal Decision Making Body
Administrative Permit	Director of Planning	No Appeal

Site Development Permit	Director of Planning	Planning Commission
Site Development Permit - Projects within Downtown Districts <u>that also</u> and exceeding 150 feet and FAR of 6:1	Director of Planning	City Council
Single-family House Permit	Director of Planning	
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Planned Development Permit	Director of Planning	Planning Commission
Special Use Permit	Director of Planning	Planning Commission
<u>Special Use Permit – for schools that are elementary or secondary (public or private), Post Secondary, Trade and Vocational, or driving (class C & M license) in the PQP Public/Quasi-Public Zoning District.</u>	<u>Director of Planning</u>	<u>City Council</u>
<u>Special Use Permit – for church/religious assembly in the PQP Public/Quasi-Public Zoning District.</u>	<u>Director of Planning</u>	<u>City Council</u>
<u>Special Use Permit – for privately-operated museums, libraries, parks, playgrounds, or community centers in the PQP Public/Quasi-Public Zoning District.</u>	<u>Director of Planning</u>	<u>City Council</u>
Conditional Use Permit	Planning Commission	City Council
Conditional Use Permit - Stadium, more than 2,000 seats including incidental support uses	City Council	No Appeal
Conditional Use Permit - Drinking Establishments with an approved maximum occupancy load of over 250 persons that operate between 12:00 midnight and 6:00 a.m.	City Council	No Appeal
Conditional Use Permit Involving off-premises sale of alcoholic beverages requiring a determination under Chapter 6.84 where findings required by Planning Commission under Section 6.84.030.B.1. through 4. cannot be made	City Council	No Appeal
Variance	Director of Planning	Planning Commission
Exception	Director of Planning	Planning Commission
Sidewalk Café Permit	Director of Planning	City Council
Tree Removal Permit	Director of Planning	
Administrative decision	Director of Planning	No Appeal
Director's hearing	Director of Planning	Planning Commission
Zoning Code Verification Certificate	Director of Planning	No Appeal

CHAPTER 20.120 ZONING CHANGES AND AMENDMENTS

Part 2 ORDINANCES CONFORMING TO THE GENERAL PLAN

20.120.110 Conformance with the General Plan.

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270:

Table 20-270	
General Plan Designation	Conforming District
All designations	OS, A
Open Hillside	OS
Lower Hillside (1 du/5 ac)	R-1-RR
Rural Residential (2 du/ac)	R-1-1, R-1-2
Residential Neighborhood	R-1-8, R-1-5
Urban Residential, Transit Residential	R-M
Neighborhood/Community Commercial, Urban Village	CP, CN, CG
Transit Employment Center	IP, TEC
Regional Commercial	CG
Public/Quasi-Public	PQP
Industrial Park	IP
Transit Employment Center	IP, TEC
Light Industrial	LI
Heavy Industrial	HI
Combined Industrial/Commercial	CIC

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the general development plan for such proposed district

conform to the General Plan designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.

- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.

Chapter 20.200 DEFINITIONS

20.200.170 Business Support Use.

"Business support uses" are commercial uses intended to support the business needs in the area. Such uses include but are not limited to copy shops, mail centers, employment agencies, small business machine repair, and technical support centers.

20.200.195 Co-generation Facility.

A "Co-generation Facility" means an electrical- energy or power generation facility that utilizes waste heat or another single primary energy source to generate at least two (2) different forms of useful energy such as electricity, heat, steam, or some other form of energy or power to supply some of the energy or power needs of an individual building or group of buildings or some of the energy or power needs of another land use on a Site. Electricity generated by a co-generation facility may be sold back to the electrical distribution system or transmission grid or to other end-users.

20.200.290 Downtown or Downtown Core Area.

"Downtown or Downtown Core Area" means that area delineated as such Downtown on the land use/transportation diagram of the General Plan of the City of San José as amended.

20.200. Fuel Cell.

"Fuel Cell" is an advanced energy conversion device that combines hydrogen-bearing fuels with airborne oxygen in an electrochemical reaction to produce electricity very efficiently and with minimal environmental impact.

20.200.813 Office, General Business.

A "General Business Office" is a space within which management-level administrative services for firms and institutions isare provided; or within which services to individuals, firms, or other entities isare provided. Examples of a General Business Office use include but are not limited to offices within which the following services are provided: real estate, insurance, property management, title companies, investment, personnel, travel, and similar services, and including business offices of public utilities or other activities when the service rendered is a service that is customarily associated with office services.

20.200. Signature Project

A "Signature Project" is a residential Mixed Use project that meets or exceeds the requirements identified for a Signature Project in the Envision San Jose 2040 General Plan Urban Village Planning Policy IP-5.10.

20.200.1165 Solar Photovoltaic Power System.

"Solar Photovoltaic System" means a system that generates electrical power through the utilization of non-mechanical semiconductor devices, or photovoltaic cells, that convert sunlight into direct current electricity.

DRAFT

To Whom It May Concern,

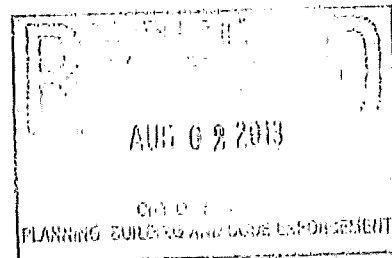
I live at 186 George St, San Jose CA and am a neighbor of the proposed urban farm at Taylor Street and Guadalupe Parkway. I am writing this letter to express my support for the proposed farm that will be run by Garden to Table.

I support improving our food system, and look forward to the increase in supply of fresh food in our city.

I have spoken with Garden to Table staff about the farm, and have been informed of their intention for the site. I am confident that the project will be a positive asset in our community, and I encourage you to permit the farm to be built.

Sincerely,

Ofelia Talavera
Resident



To Whom It May Concern,

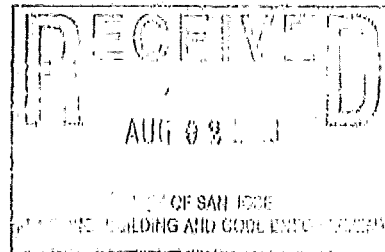
I live at 183 Filomena Ave. and am a neighbor of the proposed urban farm at Taylor Street and Guadalupe Parkway. I am writing this letter to express my support for the proposed farm that will be run by Garden to Table.

I support improving our food system, and look forward to the increase in supply of fresh food in our city.

I have spoken with Garden to Table staff about the farm, and have been informed of their intention for the site. I am confident that the project will be a positive asset in our community, and I encourage you to permit the farm to be built.

Sincerely,

Raquel Hernández R.
Resident



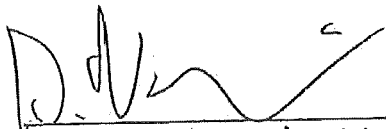
To Whom It May Concern,

I live at 191 Filomena Ave San Jose, CA 95110 and am a neighbor of the proposed urban farm at Taylor Street and Guadalupe Parkway. I am writing this letter to express my support for the proposed farm that will be run by Garden to Table.

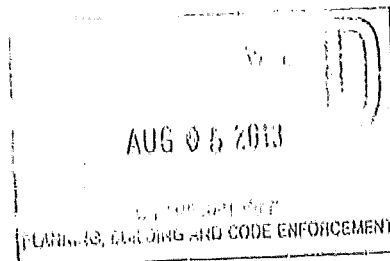
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Sincerely,


Resident Salvador Villalobos

To Whom It May Concern,

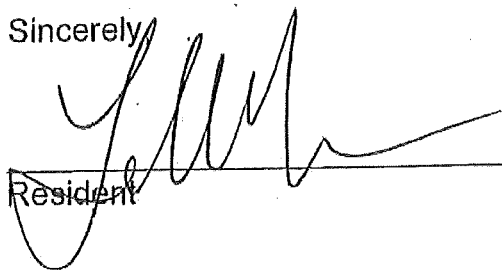


I live at 195 FILOMENA AVE. and am a neighbor of the proposed urban farm at Taylor Street and Guadalupe Parkway. I am writing this letter to express my support for the proposed farm that will be run by Garden to Table.

I support improving our food system, and look forward to the increase in supply of fresh food in our city.

I have spoken with Garden to Table staff about the farm, and have been informed of their intention for the site. I am confident that the project will be a positive asset in our community, and I encourage you to permit the farm to be built.

Sincerely,



Resident

7/31/2013

To Whom It May Concern,

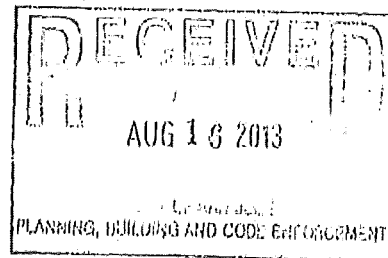
I live at 175 Tilomexa Ave and am a neighbor of the proposed urban farm at Taylor Street and Guadalupe Parkway. I am writing this letter to express my support for the proposed farm that will be run by Garden to Table.

I support improving our food system, and look forward to the increase in supply of fresh food in our city.

I have spoken with Garden to Table staff about the farm, and have been informed of their intention for the site. I am confident that the project will be a positive asset in our community, and I encourage you to permit the farm to be built.

Sincerely,

Estelle Vegie
Resident



Zepeda, Elizabeth

From: Nusbaum, Jenny
Sent: Friday, November 08, 2013 4:00 PM
To: Zepeda, Elizabeth
Cc: Yakubu, Salifu
Subject: FW: SPUR letter of support for urban agriculture zoning changes
Importance: High
Attachments: SJ_zoning_commercial_city_council_ltr_FINAL_11_7_13.pdf

Hi Elizabeth. Can you add this e-mail and attached letter to the staff report that you are posting for Zoning changes for 11-20? Thanks.

From: Eli Zigas [mailto:ezigas@spur.org]
Sent: Friday, November 08, 2013 3:46 PM
To: Nusbaum, Jenny
Cc: Prevetti, Laurel; Leah Toeniskoetter
Subject: SPUR letter of support for urban agriculture zoning changes

Dear Jenny,

Thank you again for taking the time to talk with me a few weeks ago about the urban agriculture zoning proposals in San Jose. SPUR is supportive of the incorporation of neighborhood agriculture into commercial zones. Attached is our formal comment letter to the Planning Commission on the subject. If there's any additional information I can get you, or if I should send this letter to someone else, please let me know.

Sincerely,
--Eli

CC: Laurel Prevetti, Leah Toeniskoetter

Eli Zigas
Food Systems and Urban Agriculture Program Manager
SPUR • Ideas + Action for a Better City
415.644.4881
ezigas@spur.org

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SPUR

San Francisco | San Jose

November 8, 2013

Planning Commission
San Jose City Hall
200 East Santa Clara Street
San Jose, CA 95113

Dear Members of the Planning Commission:

Thank you for the opportunity to comment on the proposed zoning ordinance amendments that would permit urban agriculture in the city's commercial zones. SPUR supports these amendments because they will remove existing obstacles that hinder the growth of urban agriculture in San Jose.

As we detail in our report, *Public Harvest*, urban agriculture provides city residents with many benefits: vibrant green spaces and recreation, education about fresh food and the effort it takes to produce it, ecological benefits for the city, sites that help build community, and a potential source of modest economic development. Decades ago, cities across the country restricted the growing of food within their boundaries through their zoning code. San Jose, in its most recent general plan and through earlier passage of the Neighborhood Agriculture use designation, recognized that the city benefits by bringing agriculture back into urban areas.

The current proposal would allow Neighborhood Agriculture, defined as the growing of plants and small-scale animal husbandry on less than one acre, as a permitted use in commercial zoning districts. This is an appropriate change that can help activate vacant lots with a beneficial use and will allow local community groups, such as Garden to Table, to proceed with their projects. The update to the commercial zones also follows the recent incorporation of Neighborhood Agriculture as a permitted use in industrial zones.

I appreciate your consideration of SPUR's comments and encourage you to support the proposed amendment to allow Neighborhood Agriculture as a permitted use in the commercial zones of the city.

Sincerely,

Eli Zigas
Food Systems and Urban Agriculture
Program Manager

CC: Laurel Prevetti, Assistant Director, Planning Division
Jenny Nusbaum, Senior Planner, Planning Division

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